

(2012) 12 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 25778 of 2012

Manisha Saini

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-12-2012

Acts Referred:

Citation : (2012) 12 P&H CK 0005

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Ajay Shekhawat, for the Appellant;

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court asserting that her candidature for the post of Post Graduate Teacher (Biology) has been wrongly rejected on the ground that she did not possess the certificate of Backward Class, prior to the last date of submission of the applications. As a matter of fact, petitioner belongs to the Backward Class category and possessed certificate from Delhi where she was resident prior to her marriage to Shri Sandeep Saini, who is a resident of Haryana. Accordingly, petitioner moved an appropriate application before the competent authority in Delhi for cancellation of Backward Class certificate, issued in her favour. On obtaining the said cancellation certificate, petitioner applied for the Backward Class category certificate in the State of Haryana, which was issued to her on 10.10.2012 (Annexure-P-9 Colly) by the Tehsildar, Rohtak. It is asserted that since the petitioner now possesses Backward Class certificate, she is entitled to be considered for appointment to the post of Post Graduate Teacher and rejection of her candidature cannot be sustained. In support of this contention, counsel for the petitioner has placed reliance upon the judgment passed by this Court in CWP No. 13800 of 2008 titled as Komal Versus State of Punjab and another, decided on 23.4.2009. I have considered the submissions made by the counsel for the petitioner and have gone through the records of the case.

2. Admittedly, as per the advertisement dated 7.6.2012, issued by the respondents, which was followed by a corrigendum dated 3.7.2012, the last date for submission of the applications was 15.7.2012. In the corrigendum dated 3.7.2012, it was clearly mentioned that the valid date of all degrees/diplomas/certificates/age/relaxation and four years experience would be the closing date of the advertisement, i.e. 15.7.2012. In the light of this specific clause in the advertisement and the corrigendum, the claim of the petitioner cannot be accepted as the last date for considering the eligibility cannot be extended.

3. Further, as per the special instructions Appendix-A, copy whereof has been appended as Annexure-P-1 with the writ petition, under the heading "Reservation", it was clearly mentioned that the reservation for SC/BC/PHC/ESM/DESM/DFF/OSP is only for domicile of Haryana and as per the Haryana Government instructions, certificate for reservation had to be issued by the competent authority. Petitioner admittedly got the domicile certificate of Haryana on the same date as she got the Other Backward Class and Backward Class certificates, i.e. 10.10.2012 (Annexure-P-9 Colly) which is subsequent to the last date of submission of application forms. Since on the date of determining the eligibility of a candidate, petitioner did not possess the requisite certificates, therefore, rejection of her candidature is in accordance with law. The judgment relied upon by the petitioner in Komal's case (supra) would not be applicable to the case in hand as in the said case what had happened was that the applicant had not attached the certificate alongwith the application. Here this is not the condition. Petitioner in this case did not possess the qualification for being considered, as per the mandate of the advertisement under the Backward Class category.

4. In view of the above, finding no merit in the present writ petition, the same stands dismissed. It goes without saying that the petitioner does not lose her right for consideration under the general category, if she fulfills the required conditions for interview.